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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Christina Kabbash et al.
Serial No. : 10/813,322
Filed : March 29, 2004
For : NOVEL ANTIMICROBIAL ACTIVITY OF GEMFIBROZIL

1185 Avenue of the Americas
New York, New York 10036
January 6, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22312-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants would like to direct the Examiner's attention to the following documents which are listed on Form PTO-1449 (**Exhibit A**) and are also listed below.

Pursuant to the Notice appearing in the August 5, 2003 Official Gazette, because this application was filed after June 30, 2003, a copy of the U.S. Patent listed herein is not provided.

This Supplemental Information Disclosure Statement is being submitted pursuant to 37 C.F.R. §1.97(b)(3) before the mailing of a first Office Action on the merits. Thus, this Information Disclosure Statement should be entered and considered. Copies of the documents listed below as items 1-10 are attached hereto as **Exhibits 1-10**.

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Applicants also point out that the references disclosed in this Supplemental Information Disclosure Statement were first cited in a Supplementary European Search Report dated November 4, 2004 in a corresponding EPO application. A copy of the November 4, 2004 Supplementary EPO Search Report is attached hereto as **Exhibit B**.

1. U.S. Patent No. 4,163,859, issued August 7, 1999, Sprenger et al.;
2. PCT International Application No. WO 93/03716 published March 4, 1993 (**Exhibit 1**);
3. Armani, G. et al. (1972) Synthesis and Pharmacological Activity of Some Chlorpenesin Phenoxyalkanoates, *Farmacol. Ed. Sc.* Vol. 27, pp. 870-875 (**Exhibit 2**);
4. Chak, W. et al. (1981) Effects of Metabolic Inhibitors on Extracellular Fructosyltransferase Production in *Actinomyces Viscosus*, *Infection and Immunity* Vol. 34(3), pp. 930-937 (**Exhibit 3**);
5. Gao, P. et al. (1991) Inhibition of Organic Anion Transport in J774 Macrophage-like Cells Potentiates the Ability of Norfloxacin to Inhibit the Intracellular Growth of *Listeria-monocytogenes* in these Cells, *Program and Abstracts of the Interscience Conference on Antimicrobial* Vol. 31, pp. 106 (**Exhibit 4**);
6. Kabara, J. J. (1976) The Effect of Clofibrate and other Hypocholesteremic Drugs on Microorganisms, *Artery* Vol. 2(6), pp.497-518 (**Exhibit 5**);

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7. Kusaka, T. et al. (1976) Studies on Uptake of Fatty Acids into Mycobacterial Cells, *J. Kawasaki Medical Journal* Vol. 1(4), pp. 153-162 (**Exhibit 6**);
8. Powanda, M.C. et al. (1976) Protective Effect of Clofibrate Against *S. Pneumoniae* Infection in Rats, *Proceedings of the Society for Experimental Biology and Medicine* 152(3), pp. 437-440 (**Exhibit 7**);
9. Rudin, D.E. et al. (1992) Gemfibrozil Enhances the Listeriacidal Effects of Fluoroquinolone Antibiotics in J774 Macrophages, *J. Exp. Med.* Vol. 176, pp. 1439-1447 (**Exhibit 8**);
10. Smith, P.F. et al. (1966) Growth Inhibition of Mycoplasma by Inhibitors of Polyterpene Biosynthesis and its Reversal by Cholesterol, *J. of Bacteriology* 91(5), pp. 1854-1858 (**Exhibit 9**); and
11. Yajko, D.M. et al. (1995) Gemfibrozil Enhances the Intracellular Activity of Ciprofloxacin Against *Mycobacterium Avium* Complex (MAC), *Abstracts of the Interscience Conference on Antimicrobial Agents and Chemotherapy* (**Exhibit 10**).

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee is deemed necessary in connection with the filing of this Supplemental Information Disclosure Statement. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Alan J. Morrison

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450 Arlington, VA 22313-1450.

1/6/05
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*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Yabbash et al.

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Exhibit A